

AUG 26 2014

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Kansas Corporation Commission
/S/ Thomas A. Day

CONSERVATION DIVISION
WICHITA, KS

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Shari Feist Albrecht, Chair
Jay Scott Emler
Pat Apple

In the matter of the failure of Eickbush)
Production Co. LLC dba ECCO) Docket No. 15-CONS-072-CPEN
("Operator") to comply with K.A.R. 82-3-)
400 at the Bdjt Unit #6, F Johnson Unit) CONSERVATION DIVISION
#7, Mini Johnson #1, Thomas #1 W and)
Thomas #1-E wells in McPherson County,)
Kansas) License No.: 5810

REQUEST FOR HEARING

Eickbush Production Company, L.L.C., described as the "Operator" in the Penalty Order issued in this docket, requests a hearing that will lead to a clarification of certain matters related to the wells identified in the caption of this matter.

1. This Penalty Order was issued with respect to the injection of volumes of water that exceed the volumes provided for in the Commission's Orders. All of the wells in question have been approved by this Commission as injection wells. In 1977, the predecessor-in-interest to the Operator, described in those Applications as ECCO, requested injection authority for the wells enumerated above, for the injection of saltwater produced from leases at an estimated 50 barrels of brine per day, per well, at a minimum, to a maximum of 300 to 600 barrels per day, per well, to be injected at gravity pressure at the wellhead.

2. In all cases, the Orders that were issued in response to each Application erroneously provided that the injection volumes were limited to 300, 450 or 600 barrels per day for each injection well, without regard to the number of wells that were providing saltwater for injection as set forth in the Applications.

3. As a result of an inquiry that took place in 2003, the Commission requested certain information related to the wells at issue, but no issues were raised with respect to the volume of waters that was being injected under the applicable Orders.

4. All of the wells in question have passed Mechanical Integrity Tests, as required by the Commission's regulations, and there is no showing that the injection of water, at the volumes that the Operator believed were approved, resulted in any adverse impacts.

5. For many years following the issuance of the Orders approving injection, the Operator has submitted annual reports showing the volumes of water injected into these wells. At no time, until the issuance of the Penalty Order in this docket, have the volumes been called into question.

6. The Operator is ready and willing to submit an Amendment to the Application to correct the record, but believes the issuance of this Penalty Order is inappropriate and exceeds the authority granted to this Commission by K.A.R. 82-3-400.

WHEREFORE, Eickbush Production Company, L.L.C. requests a hearing in this matter, but also requests that the penalty be rescinded, that the record be corrected so that the volumes that historically have been injected be formally approved by the Commission, and for such additional and further relief as the Commission may find appropriate under the circumstances.

Respectfully submitted,
MARTIN, PRINGLE, OLIVER,
WALLACE & BAUER, L.L.P.

By: 

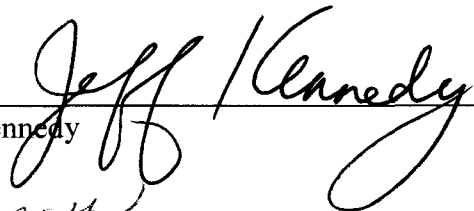
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*Attorneys for Eickbush Production
Company, L.L.C.*

VERIFICATION

STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

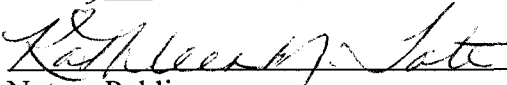
Jeff Kennedy of lawful age and being first duly sworn, on oath, deposes and states:

That Jeff Kennedy, counsel for Eickbush Production Company, has read the above and foregoing Request for Hearing and that the statements and averments contained therein are true and correct to the best of his knowledge and belief.



Jeff Kennedy

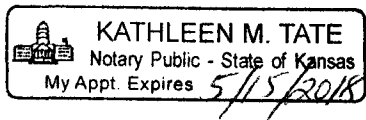
SUBSCRIBED and SWORN TO before me this 26th day of August, 2014.



Notary Public

My appointment expires:

5/15/2018



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 26th day of August 2014, a true and correct copy of the above and foregoing Request for Hearing was hand delivered to:

Jonathan R. Myers
Litigation Counsel
Kansas Corporation Commission
266 N. Main St., Ste. 220
Wichita, KS 67202-1513
Phone: 316-337-6200
Fax: 316-337-6211



Jeff Kennedy, #12099